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Filing date: **12/07/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062492
Party	Defendant Superfeet Worldwide, Inc.
Correspondence Address	SUPERFEET WORLDWIDE INC 1419 WHITEHORN STREET FERNDAL, WA 98248 UNITED STATES
Submission	Answer
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Signature	/Richard Alaniz/
Date	12/07/2015
Attachments	SPFT-6-0003ANSWER.pdf(135793 bytes)

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
2 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

3 ENERGIZER BRANDS, LLC,

4 Petitioner,

5 v.

6 SUPERFEET WORLDWIDE, INC.,
7 Respondent.

Cancellation No. 92062492

RESPONDENT'S ANSWER AND
AFFIRMATIVE DEFENSES TO
PETITIONER'S CONSOLIDATED
PETITION FOR CANCELLATION

9
10 Respondent, Superfeet Worldwide, Inc. (hereinafter "Registrant") hereby answers the
11 Consolidated Petition for Cancellation of Energizer Brands, LLC (hereinafter "Petitioner") as
12 follows:

13 **I. REGISTRANT'S ANSWER TO PETITIONER'S PETITION**

14 In the unnumbered first paragraph, Registrant denies that Petitioner will be damaged by
15 the continued maintenance on the Principal Register of Registration No. 2,174,106 of the
16 ENERGIZER mark, Registration No. 1,543,393 of the SUPERFEET ENERGIZER mark, and
17 Registration No. 2,258,089 of the SYNERGIZER mark; and, Registrant is without sufficient
18 knowledge to form a belief as to the truth or falsehood of the remaining allegations of the
19 unnumbered first paragraph of the Petition and therefore denies the same.

20 1. The Registrant is without sufficient knowledge to form a belief as to the truth or
21 falsehood of the allegations and averments of numbered paragraph 1 of the Petition, and
22 therefore denies the same.

23 2. The Registrant is without sufficient knowledge to form a belief as to the truth or
24 falsehood of the allegations and averments of numbered paragraph 2 of the Petition, and
25 therefore denies the same.

26
REGISTRANT'S ANSWER AND AFFIRMATIVE
DEFENSES TO CONSOLIDATED PETITION FOR CANCELLATION

1 3. The Registrant is without sufficient knowledge to form a belief as to the truth or
2 falsehood of the allegations and averments of numbered paragraph 3 of the Petition, and
3 therefore denies the same.

4 4. The Registrant is without sufficient knowledge to form a belief as to the truth or
5 falsehood of the allegations and averments of numbered paragraph 4 of the Petition, and
6 therefore denies the same.

7 5. The Registrant is without sufficient knowledge to form a belief as to the truth or
8 falsehood of the allegations and averments of numbered paragraph 5 of the Petition, and
9 therefore denies the same.

10 6. The Registrant admits the allegations and averments of numbered paragraph 6 of
11 the Petition, but denies that its place of business is at 1419 Whitehorn Street, Ferndale,
12 Washington 98248.

13 7. Admits.

14 8. The Registrant is without sufficient knowledge to form a belief as to the truth or
15 falsehood of the investigation conducted by Petitioner alleged in numbered paragraph 8, and
16 therefore denies the same. The remaining allegations and averments in numbered paragraph 8
17 contain legal conclusions to which no response is required; to the extent a response is required,
18 Registrant denies the allegations within this paragraph.

19 9. The Registrant is without sufficient knowledge to form a belief as to the truth or
20 falsehood of the allegations and averments of numbered paragraph 9 of the Petition, and
21 therefore denies the same.

22 10. The allegations and averments in numbered paragraph 10 contain legal
23 conclusions to which no response is required; to the extent a response is required, Registrant
24 denies the allegations within this paragraph.

11. The allegations and averments in numbered paragraph 11 contain legal conclusions to which no response is required; to the extent a response is required, Registrant denies the allegations within this paragraph.

12. Denies.

II. AFFIRMATIVE DEFENSES

1. Registrant has not infringed any valid claim in Petitioner's marks.

2. Petitioner's claims are barred in whole or in part by the doctrine of laches.

3. Petitioner's claims are barred, in whole or in part by the doctrines of waiver, acquiescence, and/or estoppel.

4. Registrant's investigation of its defenses is continuing, and Registrant's expressly reserves the right to allege and assert any additional affirmative defenses under the Federal Rules of Civil Procedure, and any other defense, at law or in equity, that may now exist or in the future be available based upon discovery and further investigation in this Petition.

III. PRAYER FOR RELIEF

WHEREFORE, having answered Petitioner's Petition, Registrant prays for the following alternative and cumulative relief.

1. Dismissal of the Petition. For dismissal of the Petition with prejudice.

2. Other. For such other and further relief, both equitable and at law, as to this Board seems just and proper.

DATED this 7th day of December, 2015.

Respectfully submitted,

LOWE GRAHAM JONES PLLC



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Attorneys for Registrant

REGISTRANT'S ANSWER AND AFFIRMATIVE
DEFENSES TO CONSOLIDATED PETITION FOR CANCELLATION

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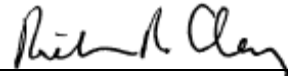
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the Answer to Notice of Petition is being served by mailing a copy thereof, by United States Postal Service, postage prepaid, addressed to the following individual(s), identified in the records of the USPTO as the attorney(s) of record for Petitioner, on this 7th day of December, 2015.

William M. Bryner, Esq.
Kilpatrick Townsend & Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
UNITED STATES
Bbryner@kilpatricktownsend.com

Signature



Richard Alaniz, Esq.

Date

December 7, 2015

